THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.1963 of 2007

Date:07.02.2007

Between:

C.Srinivas.

.. PETITIONER

AND

The Sub-Registrar, Jogipet,
Medak District and others.

..RESPONDENTS

ORDER:

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The petitioner filed O.S.No.2 of 2002 in the Court of the Senior Civil Judge, Medak against respondents 3 to 5. Subsequently, some other persons such as respondents 6 to 11 are also said to have been impleaded in the suit as defendants. The petitioner filed I.A.No.37 of 2002 under Order 39 Rules 1 and 2 C.P.C. against respondents 3 to 5 and obtained an order of temporary injunction restraining them from alienating or creating any charge or mortgage over the suit schedule property.

The grievance of the petitioner is that even while the injunction is subsisting, the eighth respondent had presented certain documents for registration in relation to the suit schedule property. Placing reliance upon G.O.Ms.No.620 Revenue (Registration-i) Department, dated 28.09.2002, the petitioner seeks direction against respondents 1 and 2 not to register

the documents presented by the eighth respondent.

Heard Sri A.Rajasekhar Reddy, the learned counsel for the petitioner and the learned Government Pleader for Revenue.

It is true that the Government issued G.O.Ms.No.620 Revenue (Registration-i) Department, dated 28.09.2002, in exercise of powers under Section 69 of the Registration Act, 1908, amending the Standing Order 219 to the effect that wherever a Court granted any injunction restraining any person from alienating the property and such orders are brought to the notice of the registering authority, he shall not register the documents in contravention of such orders.

In the instant case, the petitioner contends that the eighth respondent presented some documents for registration in relation to the suit schedule property. The fact, however, remains that no order of injunction is operating against the eighth respondent. Therefore, it is difficult to accede to the request of the petitioner. The petitioner can, certainly, bring to the notice of respondents 1 and 2 G.O.Ms.No.620, dated 28.09.2002, in case any documents are presented by respondents 3 to 5 in contravention of the order of temporary injunction apart from initiating the proceedings under relevant Rules of Order 39 C.P.C.

The writ petition is accordingly disposed of, leaving it open to the petitioner to work out his

remedy in accordance with law, as indicated above.

There shall be no order as to costs.

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07.02.2007

Note: Issue C.C. in one week.
(B/o)
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